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To whom it may concern,

I am writing in response to the FEC's February 17, 2012, letter suggesting that the American Action Network's independent expenditures that it disclosed on 24 hour notices should have been disclosed a second time on a subsequent quarterly report. However, relevant FEC guidance does not require redundant disclosures of independent expenditures on quarterly reports by organizations, like the American Action Network, that are not political committees.

The FEC's brochure on "Coordinated Communications and Independent Expenditures," available at http://www.fec.gov/pages/brochures/ie_brochure.pdf (last updated February 2011) ("Brochure"), explains that persons making independent expenditures must file 24 hour notices with the FEC when their expenditures exceed certain monetary thresholds. The Brochure states on page 9 that only a "political committee" that discloses independent expenditures in a 24 hour notice must disclose its independent expenditures "a second time on a Schedule E filed with its next regularly-scheduled report." The Brochure does not instruct any other type of organization that files a 24 hour notice to disclose its independent expenditures a second time. Rather, quarterly reports are required by such persons only when their independent expenditures exceed the \$250 quarterly reporting threshold, but are less than the thresholds for 24 hour and other notices.

There are compelling reasons for this differing treatment of political committees and other filers. Political committees are required to file regular disclosure reports regardless of whether they have engaged in any campaign-related activity. Requiring them to disclose their independent expenditures a second time on their regular disclosure reports is a minimal burden; they simply transfer information onto reports they are otherwise required to file. Other persons who make independent expenditures do not file regularly-scheduled reports with the FEC. Requiring them to file such reports in order to disclose information they have already reported would impose an unnecessary burden that has no rational relation to any government or public interest.

If the FEC's guidance on this subject changes, we would appreciate appropriate notification.

Sincerely,

Stephanie Fenjiro
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